

United States Court of Appeals For the First Circuit

No. 21-1611

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY (PREPA); THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE OF THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY,

Debtors,

OBE E. JOHNSON,

Movant - Appellant,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO,

Debtor - Appellee.

Before

Thompson, Howard and Kayatta,
Circuit Judges.

JUDGMENT

Entered: August 22, 2022

Appellant seeks to proceed IFP in this appeal involving the partial denial of appellant's lift-stay motion. The Title III court certified that the appeal was not taken in good faith. See 28 U.S.C. § 1915(a)(3). Appellant was instructed by order either to pay the filing fee or to file an IFP motion pursuant to Fed. R. App. P. 24(a)(5). Having reviewed appellant's filings in this court, we agree with the district court's determination that good faith is lacking. Because appellant has failed to identify any non-frivolous argument on appeal, we deny his IFP motion. See Lee v. Clinton, 209 F.3d 1025, 1026-27 (7th Cir. 2000) (defining "not taken in good faith" under section 1915(a)(3) to mean an appeal that is frivolous).

We further conclude, after careful review of relevant portions of the record, that the appeal does not present a "substantial question," see 1st Cir. R. 27.0(c), and that, for substantially the reasons set out by the Title III court, partial lift-stay denial was not an abuse of discretion. The district court's order is therefore summarily affirmed.

By the Court:

Maria R. Hamilton, Clerk

cc:

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